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A CHAPTER OF SOUTH CAROLINA
CONSTITUTIONAL HISTORY

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A CHAPTER OF SOUTH CAROLINA CONSTITUTIONAL HISTORY.

The Arrival of the Tea and the Origin of its Extra-legal Organs of Revolution.

BY DAVID DUNCAN WALLACE, PH.D., ADJUNCT PROFESSOR OF HISTORY AND ECONOMICS IN WOFFORD COLLEGE.

Arrival of tea, December 2, 1773—Mass meeting, December 4—Consignees resign—Resolutions and committee—Mass meeting, December 17—Threats—Customs officers unload and store tea, December 22—More tea arrives, June 26, 1774—Ship captain promises to destroy or take it away—Allows officers to unload and store it—And is called to account by the General Committee and pursued by a mob—More tea arrives, July 19—By consent of General Committee officers store it—More tea arrives, November 1—Is emptied into the harbor, as is also a quantity in Georgetown—Large amount of smuggled tea is shipped away, November 3—Untrue account generally given about the tea—Tea is finally sold by order of the legislature, 1776—Mass meeting of January 20, 1774—Large standing committee appointed then—Committee calls a mass meeting for March 3—Which is postponed to March 9, and then to March 16—Meeting of March 16—Mammoth meeting called for July 6—Description of this meeting of July 6, 7 and 8—Brief taste of manhood suffrage—General committee of ninety-nine appointed—November 9, General Committee summons First Provincial Congress to meet January 11, 1775.

On Wednesday evening, December 2, 1773, the *London*, from London, Capt. Alexander Curling, arrived in Charleston. On board were two hundred and fifty-seven chests of East India Company tea. A few sporadic chests had before been imported unsuspected among great quantities of other merchandise; but the arrival of this large cargo raised the issue specifically. The city was thrown into great commotion. Thursday morning appeared handbills and placards, calling for a mass meeting of all the citizens of the province, and especially land owners, in the Great Hall over the Exchange, near the wharves, at three o'clock Friday afternoon.

Col. G. G. Powell was elected chairman of this meeting. A resolution was adopted neither to import nor to buy any tea liable to duty for raising a revenue in America. The consignees of the newly arrived cargo, Mr. Roger Smith and Messrs. Leger & Greenwood, were summoned, and were requested to resign. This they did, amid great applause. Capt. Curling was confounded at this turn of affairs, and asked how he should avoid the trouble in which this would inevitably involve him. He was answered, "By keeping all the tea on board his vessel and returning with it to England." A committee, with Christopher Gadsden for chairman, was appointed to secure signatures all

over the province to the agreement regarding tea, and the meeting adjourned. But let us note that their committee continued to exist and act.

A few days later a more amply expressed agreement to the same effect as that promulgated by the meeting, with a threat of boycott against non-signers, was put out for signatures. No taxing of America by the British Parliament was the preamble. (*South Carolina Gazette*, December 6, 1773.)

On December 17, a second mass meeting was held, from ten to three o'clock, with the same gentleman for chairman. It was resolved that the tea ought not to be landed; but no steps were taken to prevent it by force if it should be attempted. Notice of business which would be considered at the next meeting was given and adjournment was ordered. (*South Carolina Gazette*, December 20, 1773.) We observe that the "General Meeting" was coming to be a regular organization, with the same chairman on successive occasions, a standing committee, and business proposed to be discussed at a future time. All this tended to give continuity to the institution.

By the port regulations, a cargo arriving could not remain longer than twenty days unloaded. If no consignee took charge of it, the customs officers would seize and store it in the king's warehouse, or some place secured for the purpose. Anonymous threatening letters were received by Capt. Curling and the owners of the wharf where the *London* lay, ordering her removal to the middle of the river. It was declared by individuals that the tea should not be landed. No consignee calling for it, the customs officers very early on the morning of December 22 removed it quite hastily from the vessel and stored it under the Exchange, in a cellar which had been hired for the purpose. Lieutenant Governor Bull had taken what precautions he could against violence; but not a man appeared to interrupt the officers.

So as not to interrupt the train of thought later, I shall violate chronology by inserting here the remaining history of the tea. On June 26, 1774, Capt. Richard Maitland arrived in Charleston with three chests of tea in his cargo. His vessel, like all the tea-bearing ships, was from London. By this time the extra-legal organizations were almost complete, and there was a strong General Committee to look after non-importation. Capt. Maitland said he did not know that the tea was on board until he had gotten under way, and promised the committee to destroy the stuff or carry it back to England. But after getting his cargo of rice safely on board, he allowed the customs officers to land and store the tea in the same way they had done the cargo in the preceding December. After much accusation and altercation in the General Committee, Maitland promised to burn the tea on the wharf in their presence the next day. But this proving impossible without bursting open the king's storehouse, it was dispensed with. To be thus deceived and circumvented incensed the citizens, and that evening a party of several hundred went with great threats, but not of murder, in quest of Capt. Maitland. As they boarded his vessel on one

side, he escaped from the other and took refuge on His Majesty's Ship the *Glasgow*. The next morning, by Capt. Malthy's aid, he got his vessel out of the harbor and sailed away. (*South Carolina Gazette*, July 25, 1774. For this and all the tea matters of 1773-4, see Pub. Rec. S. C., MSS., xxxiii., 350; xxxiv. 181 For the first cargo, Council Jour., xxxviii, 8.)

On July 19 a third lot of tea, consisting of nine chests, arrived in the *Briton*. The General Committee allowed it to be stored by the customs officers. Urquhart was summoned before the committee and ordered to explain his disobedience to the command of the General Meeting published to all masters of vessels not to bring dutiable tea to South Carolina. Urquhart pleaded that he did not know that this small quantity was on board until he arrived in port and looked over his papers.

On November 14, fourteen packages, or seven "chests," arrived by the *Britannia*, Capt. Ball. Capt. Ball was summoned, like the other captains, before the General Committee. The result was that on Thursday, the 3rd, at noon, in the words of Printer Timothy, "an oblation was made to Neptune," in the presence of the Committee of Observation and a crowd of citizens, who shouted thrice as each package was emptied into the Cooper. At Georgetown likewise the water was spinkled with the cheerful, uninebriating drug.

On November 3, 669 pounds of Bohea that had been smuggled in were reshipped to the ports from whence it came, to show that the people did not reject dutied tea simply to use undutied and save the small amount of money. (*South Carolina Gazette*, November 21 and December 12, 1774.)

This is the truth about the tea in South Carolina. Nobody "threw it into damp cellars, where it rotted," as has for so long been fabulously related. It lay in the storehouses for about three years. In 1776, the "President" of South Carolina wrote to the delegation in the Continental Congress, directing them to get permission from that body to sell all the tea for the benefit of the treasury of South Carolina. The Congress seemed inclined to decide that the money should go to the general cause, or be appropriated to reimburse Americans whose property had been confiscated in England. The South Carolina delegation argued strenuously against this. But as the decision seemed likely to go against them if brought to a vote, by the consent of Congress they withdrew the motion and wrote advising the South Carolina Legislature to sell the tea immediately. Accordingly, on the 27th of September, 1776, a bill was passed ordering the tea sold and the money applied to the public service. It seems that the Legislature wanted everybody in South Carolina to get some of that tea; for it was to be disposed of in quantities not exceeding twelve pounds. (House of Reps. Jour. S. C., 1776, MSS., 169, 131-133, 109; Statutes at Large of S. C., iv., 352. See also advertisements of the commissioners appointed to sell the tea; e. g., S. C. and Amer. Gen. Gaz., September 25, October 2, 1776.)

The tea was of great importance in South Carolina history for several reasons. It was the immediate occasion of the organization of the

people in the "General Meeting," in which the Revolution was initiated.

On January 20, 1774, a mass meeting of great importance was held. It did not enter upon general business, as the Lieutenant Governor had prorogued the General Assembly, whose members would have been the most important constituency of the extra-legal body. What gives the meeting of January 20 importance is that on that day the organization was systematized and made permanent by the appointment of a large standing committee. I have no means of ascertaining its exact number. A quorum was fifteen, and vacancies were filled by co-optation. This committee was to digest and plan business for the "General Meeting," which they were to call at any time they thought needful. They were charged especially that if any attempt should be made to remove or sell the tea, they should summon the whole citizenship of Charleston and take every measure in their power to prevent it. The importance of the appointment of this committee can hardly be too much emphasized. The extra-legal organizations by that became permanent and stable. (*South Carolina Gazette* January 24, 1774.)

The first call by the new committee for a General Meeting was for March 3. All the citizens of the province were invited to assemble at "Liberty Tree." But on the appointed day the weather was excessively bad; so "every man that had the good of his country at heart" was summoned by placard for the 9th. (*South Carolina Gazette*, February 14, February 21, March 7, 1774.) I infer that for some reason no meeting was held on the 9th, for I discover no allusion to any. On March 16, however, there was a meeting of importance. The sale of the tea or its removal, except to be returned to England, was positively forbidden; non-importation of the article and the boycott were enforced. More important, from the constitutional standpoint, the standing "General Committee" was given power, as it had before, to call the General Meeting, and was also vested with authority to enforce the Meeting's resolutions. Thus a distinct executive was fairly developed. (*South Carolina Gazette* March 21, 1774.)

On the receipt of the news of the Boston Port Bill and the resolutions regarding it by the Boston Town Meeting, the General Committee issued a call for a General Meeting to convene on July 6. (*South Carolina Gazette* June, 20, 1774; Ramsey. Hist. of Rev. of S. C. from a Brit. Prov. to an Independ. State, i., 17, 18.) It is with this meeting of July 6, 1774, that all histories, hitherto published, touching the subject, begin. Some go far enough to say that it was called by the General Committee. The foregoing narration of the events since December 4, 1773, shows the incorrectness of beginning the extra-legal organization with July, 1774. Such a treatment is very misleading and very unsatisfactory.

On July 6, 1774, the fifth General Meeting since the arrival of the tea convened in the Exchange in Charleston. Col. G. G. Powell was again chairman. The most respectable citizens from all over the province appeared. Every member of the Commons House of Assembly participated, except six whose presence was unavoidably prevented.

Printer Timothy says it was the largest body of the most respectable citizens ever gathered in the province. Whether this vague description means that it was the largest body of citizens ever assembled and that these were also the most respectable citizens; or that there had been larger assemblies, but not so respectable, it is impossible to determine. But whether the statement is strictly accurate or not, from the phraseology itself and from evidence that will presently appear, I incline to the former interpretation. Whether there were actually more persons present than on some occasions during the Stamp Act agitation is of no real consequence. At all events, it was certainly a very large and representative gathering, far the largest of the kind that had yet taken place, and indeed the largest of that particular kind that ever assembled in South Carolina. It was such an example of pure democracy as has rarely been seen since the days of the ancient city republics. The Meeting remained in session three days, unlike its predecessors, upon none of which two suns had risen.

On Wednesday, the 6th, was adopted a Bill of Rights almost identical in great part with that of the Commons House of Assembly in 1765. Taxation, representation, jury trial, treason and the Acts of Parliament against Boston were all dealt with.

On Thursday, the 7th, five delegates to the Continental Congress to meet in September were elected. This election is important for two reasons: first, it signifies the power and the firmly established character which the General Meeting as an institution had attained; second, every free white man resident in the province was allowed to vote. Manhood suffrage, the attainment of distant after years, was now foreshadowed and momentarily experienced. In this election a ballot box was used, as in the regular elections for assemblymen. The poll was from two till five o'clock P.M. A rough idea of the large number of votes cast and the size of the concourse may be formed from the fact that the result was not declared until midnight. Messrs. Henry Middleton, John Rutledge, Thomas Lynch, Christopher Gadsden and Edward Rutledge were then announced as chosen to Congress. This choice was confirmed by the Commons House of Assembly on August 2, in spite of all the efforts of Lieutenant Governor Bull to prevent it.

On Friday, the 8th, Rawlins Lowndes was made chairman, while Powell attended to some special business. A new General Committee was elected, increased to the number of ninety-nine. It was to have full powers during the adjournment of the General Meeting, and was to act as a Committee of Correspondence. In numbers, power and functions here are three steps forward.

This perfected form of the General Committee was a great advance in the revolutionary organizations. On the evening of the very day of its election it met and chose Charles Pinkney for its president and resolved to hold a session regularly every two weeks, on Wednesdays. (*South Carolina Gazette*, July 11, 1774, Pub. Rec. S. C., MSS., xxxiv., 177, 188; *South Carolina and American General Gazette*, July 1-8, 1774; *Com. Journal South Carolina*, MSS. xxxix., pt. II., 172. These author-

ities for the meeting of July 6-8, 1774, are arranged in the order of their importance and excellence. The first is worth many times all the others together. In the second, however, there is some valuable information in Bull's official correspondence.)

Thus we see the General Meeting has become a rough organization of the whole province, and the General Committee a permanent body during the former's adjournment with many functions of government. All this has been an uninterrupted development from Dec. 4, 1773, when both the "Meeting" and the "Committee" originated. The previous organizations of the non-importation association served only as examples. There was no organic connection between them and those of 1773-4.

The word "Meeting" was used to describe a concourse in which all the citizens were invited actively to participate; "Committee," to designate a fixed body with defined functions which was composed of certain selected individuals.

On November 9, the General Committee gave a great banquet to their returned delegates from Philadelphia. "May the persecuted Genius of Liberty find a lasting asylum in America," "The much injured town of Boston and the colony of Massachusetts Bay," and more than a score of other patriotic toasts were on the programme. That same day the Committee issues the call for a "General Provincial Committee," to be composed of elected delegates from every section of the province. It was to meet on January 11, 1775. (*South Carolina Gazette*, November 21, 1774). The fact that it was not to be an open mass meeting gave it the title of Committee. But the organization thus called into existence was of too important a nature for such an appellation to be suitable. It was ever after known by a more dignified name; this was no other than the First Provincial Congress.

The anti-tea meeting in the Exchange, on December 4, 1773, has grown by steady and uninterrupted progress to the First Provincial Congress. What will this Provincial Congress grow into? Let me again emphasize the fact that the revolutionary legislature or its progenitor did not originate in the great mass meeting of July 6, 7, and 8, 1775, but in a much less presumptuous one on December 4, 1773. Institutions do not leap instantly into maturity, any more than human beings are born adult men without an infancy.



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